

CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

03- R -1301

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$2,000.00 IN SETTLEMENT OF THE CLAIM
OF TRACY MIKSELL, THROUGH HER ATTORNEY,
ROBERT A. KATENKAMP AGAINST THE CITY OF
ATLANTA AND FOR OTHER PURPOSES**

WHEREAS, Tracy Miksell, through her attorney, Robert A. Katenkamp, has filed a claim against the City of Atlanta seeking damages arising out of a collision with a vehicle operated by an employee of the Department of Corrections; and

WHEREAS, the collision occurred as a result of the City employee following too closely and rear-ending Ms. Miksell's vehicle; and

WHEREAS, the claimant asserted damages in the amount of \$3,395.00 but has agreed to accept the sum of \$2,000.00 in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of Tracy Miksell, through her attorney, Robert A. Katenkamp, be settled for the sum of \$2,000.00.

WHEREAS, the claimant had previously abandoned her claim and the Council of the City of Atlanta adopted an adverse recommendation on September 16, 2002.

THEREFORE, BE IT RESOLVED that Resolution 02-R-1520 be hereby rescinded.

BE IT FURTHER RESOLVED that the Council of the City of Atlanta, Georgia that \$2,000.00 be paid by the City of Atlanta in satisfaction of any and all claims Tracy Miksell, through her attorney, Robert A. Katenkamp, may have stemming from damages sustained due to a motor vehicle collision on or about December 14, 2001.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.

A true copy,

Shonda Daughkin Johnson
Municipal Clerk, CMC

**ADOPTED by the Council
APPROVED by the Mayor**

September 2, 2003
September 10, 2003

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0343

Date: July 30, 2003

Claimant /Victim TRACY MIKSELL
BY: (Atty) Robert A. Katenkamp
Address: 3330 Cobb Parkway, Suite 17, Acworth, Georgia 30101
Subrogation: Claim for Property damage \$ Bodily Injury \$ 3,395.00
Date of Notice: 05/10/02 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 12/14/01 Place: Pratt Street and Decatur Street
Department Corrections Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The driver of the City vehicle was following too closely and rear ended the claimant's vehicle causing damages in the above amount.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report X Other
Traffic citations issued: City Driver X Claimant Driver
Citation disposition: City Driver Claimant Driver

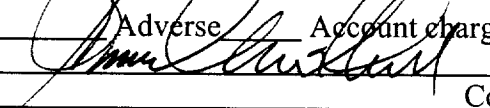
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement X
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 2,000.00 Adverse Account charged: 1A01 X 2J01 2H01 2P01
Claims Manager:  Concur/date 07-30-03
Committee Action: Council Action

RCS# 4975
9/02/03
1:20 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PGS 1-18, EXCEPT;03-R-1310

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

		9/02/03 Full Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSE ON CONSENT	ITEMS ADVERSE ON CONSENT
1. 03-O-1175	44. 03-R-1220	81. 03-R-1258
2. 03-O-1351	45. 03-R-1221	82. 03-R-1259
3. 03-O-1166	46. 03-R-1222	83. 03-R-1260
4. 03-O-1167	47. 03-R-1223	84. 03-R-1261
5. 03-O-1355	48. 03-R-1224	85. 03-R-1262
6. 03-O-1203	49. 03-R-1225	86. 03-R-1263
7. 03-O-1204	50. 03-R-1226	87. 03-R-1264
8. 03-O-1205	51. 03-R-1227	88. 03-R-1265
9. 03-O-0827	52. 03-R-1228	89. 03-R-1266
10. 03-O-1357	53. 03-R-1229	90. 03-R-1267
11. 03-R-1338	54. 03-R-1230	91. 03-R-1268
12. 03-R-1312	55. 03-R-1231	92. 03-R-1269
13. 03-R-1313	56. 03-R-1232	93. 03-R-1270
14. 03-R-1353	57. 03-R-1234	94. 03-R-1271
15. 03-R-1202	58. 03-R-1235	95. 03-R-1272
16. 03-R-1301	59. 03-R-1236	96. 03-R-1273
17. 03-R-1320	60. 03-R-1237	97. 03-R-1274
18. 03-R-1321	61. 03-R-1238	98. 03-R-1275
19. 03-R-1322	62. 03-R-1239	99. 03-R-1276
20. 03-R-1331	63. 03-R-1240	100. 03-R-1277
21. 03-R-1332	64. 03-R-1241	101. 03-R-1278
22. 03-R-1333	65. 03-R-1242	102. 03-R-1279
23. 03-R-1334	66. 03-R-1243	103. 03-R-1280
24. 03-R-1314	67. 03-R-1244	104. 03-R-1281
25. 03-R-1318	68. 03-R-1245	105. 03-R-1282
26. 03-R-1325	69. 03-R-1246	106. 03-R-1283
27. 03-R-1327	70. 03-R-1247	107. 03-R-1284
28. 03-R-1328	71. 03-R-1248	108. 03-R-1285
29. 03-R-1288	72. 03-R-1249	109. 03-R-1286
30. 03-R-1289	73. 03-R-1250	110. 03-R-1287
31. 03-R-1290	74. 03-R-1251	111. 03-R-1304
32. 03-R-1291	75. 03-R-1252	112. 03-R-1305
33. 03-R-1292	76. 03-R-1253	113. 03-R-1306
34. 03-R-1293	77. 03-R-1254	114. 03-R-1307
35. 03-R-1294	78. 03-R-1255	115. 03-R-1308
36. 03-R-1295	79. 03-R-1256	
37. 03-R-1296	80. 03-R-1257	
38. 03-R-1297		
39. 03-R-1298		
40. 03-R-1299		
41. 03-R-1300		
42. 03-R-1302		
43. 03-R-1303		

03-R -1301

(Do Not Write Above This Line)

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IN SETTLEMENT OF THE CLAIM OF
TRACY MIKSELL, THROUGH HER
ATTORNEY, ROBERT A. KATENKAMP
AGAINST THE CITY OF ATLANTA AND
FOR OTHER PURPOSES

APPROVED BY: ADOPTED BY

SEP 02 2003

COUNCIL

JERRY L. DELOACH

DEPUTY CITY ATTORNEY

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee: Public Safety
Date: 8/26/03
Chair: [Signature]
Action: _____
Fav, Adv, Hold (see rev. side) _____
Other: _____
Members: [Signature]
Refer To: [Signature]

Committee _____
Date _____
Chair _____
Action: _____
Fav, Adv, Hold (see rev. side) _____
Other: _____
Members _____
Refer To _____

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED
SEP 02 2003

ATLANTA CITY COUNCIL PRESIDENT

Catherine W. Woodward

CERTIFIED
SEP 02 2003

Phyllis Dugan Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

[Signature]
MAYOR